

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:  FAIRFIELD SENTRY LIMITED, et al.,  Debtors in Foreign Proceedings.	Chapter 15 Case  Case No. 10-13164 (CGM)  Jointly Administered
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al.,  Plaintiffs,  v.  THEODOOR GGC AMSTERDAM, et al.,  Defendants.	Adv. Pro. No. 10-03496 (CGM)  Administratively Consolidated
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al.,  Plaintiffs,  v.  ZURICH CAPITAL MARKETS CO., et al.,  Defendants.	Adv. Pro. No. 10-03634 (CGM)
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al.,  Plaintiffs,  v.  ABN AMRO SCHWEIZ AG, et al.,  Defendants.	Adv. Pro. No. 10-03635 (CGM)

FAIRFIELD SENTRY LTD. (IN  
LIQUIDATION), et al.,

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG, et al.,

Defendants.

Adv. Pro. No. 10-03636 (CGM)

**EFG AND BSI DEFENDANTS’ (1) OBJECTION TO LIQUIDATORS’  
PROPOSED SCHEDULING ORDER ON PERSONAL JURISDICTION  
BRIEFING AND DISCOVERY AND (2) STATEMENT IN SUPPORT  
OF THE HSBC DEFENDANTS’ NOTICE OF COUNTER-PROPOSED ORDER**

**PLEASE TAKE NOTICE** that, pursuant to Local Rule 9074-1, the EFG and BSI Defendants<sup>1</sup> hereby **OBJECT** to the proposed *Scheduling Order on Personal Jurisdiction Briefing and Discovery* (the “Liquidators’ Proposed Order”) submitted by the Liquidators on September 23, 2021 [ECF No. 3883].

**PLEASE TAKE FURTHER NOTICE** that the EFG and BSI Defendants respectfully **COUNTERPROPOSE** that the Court enter the *Proposed Scheduling Order* submitted by HSBC Securities Services (Luxembourg) S.A., HSBC Private Bank (Suisse) S.A., and HSBC Bank USA, N.A. (collectively, the “HSBC Defendants”), which is attached as Exhibit A to the HSBC Defendants’ objection to the Liquidators’ Proposed Order [ECF No. 3884].

The EFG and BSI Defendants join in and incorporate by reference the HSBC Defendants’ arguments as to why the Court should deny entry of the Liquidators’ Proposed Order. In further

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<sup>1</sup> The “EFG and BSI Defendants” include: EFG Bank AG (a/k/a “EFG Bank SA,” f/k/a “EFG Private Bank SA” and also sued as “EFG Bank SA Switzerland”); EFG Bank (Monaco) S.A.M. (f/k/a “EFG Eurofinancier D’Investissements S.A.M.” and sued as “EFG Eurofinancier D’Invest MCL”); and BSI AG, individually and as successor in interest to Banca del Gottardo (sued as “BSI Ex Banca del Gottardo”) and Banca Unione di Credito.

support of the HSBC Defendants' *Proposed Scheduling Order*, the EFG and BSI Defendants state as follows:

1. The EFG and BSI Defendants intend to move to dismiss the claims asserted against them on personal jurisdiction grounds under Federal Rule 12(b)(2), and they support a quick and efficient resolution of such motion. Any discovery attendant to such motion should proceed in accordance with the Federal Rules of Civil Procedure. There is no reason for the Court to set deadlines now with respect to such discovery, including as to motions to compel.

2. For these reasons, and those stated by the HSBC Defendants, the EFG and BSI Defendants respectfully request that the Court enter the HSBC Defendants' *Proposed Scheduling Order*, and deny entry of the *Liquidators' Proposed Order*.

Dated: September 27, 2021  
New York, New York

Respectfully submitted,

KOBRE & KIM LLP

/s/ D. Farrington Yates

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